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SUPREME COURT, U. S.

IN THE

Supreme Court of the United States

October Term, 1962

No. 95

SAMUEL DODD WILLIAMSON,

Petitioner,

vs.

PEOPLE OF THE STATE OF CALIFORNIA.

On Petition for Writ of Certiorari to the District Court of Appeal of the State of California, Second Appellate District.

Motion of American Civil Liberties Union of Southern California for Leave to File Brief Amicus Curiae.

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The American Civil Liberties Union of Southern California respectfully moves for leave to file a brief *amicus curiae* in support of the petition for writ of certiorari due to be filed in this case by March 21, 1963. The consent of the attorney for the petitioner has been obtained. The consent of the attorney for the respondent was requested, but has been refused. The case, reported below at 207 A. C. A. 865, 24 Cal. Rptr. 872, involves the question, among others, as to whether a jury finding that a book is obscene is an ordinary

finding of fact so as to preclude an appellate court from reviewing that finding to determine whether constitutionally, within the meaning of the First and Fourteenth Amendments, the book can be held to be obscene.

The interest of the American Civil Liberties Union in this case arises from the fact that it is a nonpartisan organization dedicated to the protection of American constitutional principles relating to civil liberties. It believes that in this case there has been a violation of the constitutional principles of freedom of expression which are embodied in the First and Fourteenth Amendments to the United States Constitution.

The petitioner's interest is the reversal of a criminal conviction; the interest of this moving party is in the protection of constitutional guarantees of freedom of speech, including the right of the citizen to read. The vital public interest in the constitutional questions presented in this case should be permitted independent expression.

Respectfully submitted,

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